



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/510,127

10/04/2004

Jacques Marty

92940

6568

24628

7590

10/12/2006

WELSH & KATZ, LTD  
120 S RIVERSIDE PLAZA  
22ND FLOOR  
CHICAGO, IL 60606

EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

51

## Office Action Summary

Application No.

10/510,127

Applicant(s)

MARTY, JACQUES

Examiner

Brian A. Zimmerman

Art Unit

2612

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓  
Paper No(s)/Mail Date 11/8/04.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 13-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13-16 recite the limitation "one point". There is insufficient antecedent basis for this limitation in the claims. It is unclear whether "one point" is the same as the "first point" already introduced in the claims. If this is the meaning, it is suggested to change "one point" to "first point".

Claims 17-20 recite the limitation "which point". There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United

Art Unit: 2612

States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

2. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by King (20010038328).

King teaches a system that determines the voltage (amplitude) of the received radio command. The voltage is compared to a reference voltage (figure 2). A control of the desired function is accomplished when the command is received and it is determined that the transmitter is within a prescribed zone as determined by the comparison step. See abstract.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (20010038328) as applied to claim 8 above, and further in view of Okada (6538559).

In an analogous art, Okada teaches a plurality of antennas arranged around the car. Signals are received at each of the antenna locations. Comparisons are made referencing each antenna location. When the user is

Art Unit: 2612

standing near the driver's door the first point is considered the one at the driver's door and the second point is considered at the passenger door, making the two points lying substantially one behind the other. The claims recite that the received signal relates to a magnetic component of an E&M wave carrying the command. The Okada signal comparison relates to the amplitude or power of the received E&M signal. The received signal relates to both the electric component and the magnetic component. Therefore the amplitude comparison of Okada does relate to at least the magnetic component of the received signal. Therefore, it would have been obvious to have the antennas at each door of a vehicle to determine where the user is to prevent unlocking other doors and enhance safety.

4. Claims 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over King and Ghabra (6906612).

King teaches a system that determines the voltage (amplitude) of the received radio command. The voltage is compared to a reference voltage (figure 2). A control of the desired function is accomplished when the command is received and it is determined that the transmitter is within a prescribed zone as determined by the comparison step. See abstract.

In an analogous art, Ghabra teaches a plurality of antennas arranged around the car. Signals are received at each of the antenna locations. Comparisons are made referencing each antenna location. When the user is standing near the driver's door the first point is considered the one at the driver's

Art Unit: 2612


door and the second point is considered at the passenger door, making the two points lying substantially one behind the other. Ghabra suggests the use of coil antennas as the antennas receiving the signal used for commands and zone determination. Col. 4 lines 62-64. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used coil antennas as the receiving antennas since Ghabra suggests the antennas can take any form known in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A. Zimmerman whose telephone number is 571-272-3059. The examiner can normally be reached on 7 am to 4 pm E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brian A. Zimmerman  
Primary Examiner  
Art Unit 2612

BZ